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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional)  Analog.5721-5	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on <u>8/22/05</u></p> <p>Signature <u>Matthew E. Connors</u></p> <p>Typed or printed name <u>Matthew E. Connors</u></p>		Application Number  10/007,585	Filed  December 5, 2001
		First Named Inventor  Timothy R. Spooner	
		Art Unit  2813	Examiner  T. Nguyen
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>33,298</u></p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input type="checkbox"/> *Total of _____ forms are submitted.</p>			

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This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**Arguments to be Considered by Pre-Appeal Brief Conference Panel**

**A. Rejection under 35 U.S.C. §102(e)**

Claims 26-28 have been rejected under 35 U.S.C. §102(e) as being anticipated by Silverbrook (US-A-6,383,833). The Examiner, in formulating the present rejection under 35 U.S.C. §102(e), alleges that Silverbrook anticipates the presently claimed invention. More specifically, the Examiner alleges that Silverbrook teaches: mounting, upon a backside of the MEMS wafer, a layer of dicing tape (allegedly 38 of Figure 5 of Silverbrook), mounting, upon the front side of the MEMS wafer, prior to dicing, a wafer cap to produce a laminated MEMS wafer, dicing the MEMS wafer into a plurality of dies, and mounting, upon the dicing tape, a layer of transfer tape (allegedly 40 of Figures 7 & 8 of Silverbrook). The Examiner further alleges, “Silverbrook, fig. 8 and text on [sic] col. 3, lines 12-15 discloses a transfer tap [sic] 40 is mounted and secured upon the dicing tape 38.” The Applicants respectfully traverse these allegations and the conclusion by the Examiner.

Independent claim 26 sets forth that, upon the dicing tape, a transfer tape is mounted. On the other hand, contrary to the Examiner’s allegations, Silverbrook teaches, at column 3, lines 12-15, “Depending on the equipment used, a handling means in the form of a glass, quartz, alumina or other transparent handle wafer 40 is secured to an opposite surface of the tape 38.” [Emphasis added.] In other words, Silverbrook clearly teaches that a wafer 40 is mounted to the tape layer 38, not a transfer tape.

To reinforce the teaching that reference 40 of Figures 6-8, is a wafer, not a transfer tape, Silverbrook teaches, at column 3, lines 16-18, “The wafer 40, the tape 38, the silicon wafer 14 and the nozzle guard layer 10 define a laminate 42. The laminate 42 is then turned over, as shown in FIG. 7 of the drawings.”

With respect to any teachings concerning a tape, Silverbrook teaches, at column 3, lines 6-11, “A holding means in the form of an adhesive tape 38 is bonded to the surface 22 of the layer 14 as illustrated in FIG. 5 of the drawings. The tape 38 is bonded to the layer 14 by means of a curable adhesive. The adhesive is curable in the sense that it loses its adhesive properties or ‘tackiness’ when exposed to ultraviolet (UV) light.” In other words, Silverbrook clearly teaches

the tape 38 includes a curable adhesive so as to allow disengagement from the object to which it adheres when exposed to ultraviolet (UV) light.

Notwithstanding these clear teachings of Silverbrook, the Examiner proposes the unsupportable allegation that column 3, lines 12-15, of Silverbrook discloses a transfer tape 40 mounted to a dicing tape 38. The only mention of the word tape in column 3, lines 12-15, of Silverbrook is in connection with reference 38. As clearly noted above, reference 40 of column 3, lines 12-15, and Figures 6-8 is a wafer, not a transfer tape.

The only mention of reference 40 being a tape is at column 3, line 35, of Silverbrook where Silverbrook clearly **incorrectly** identifies the dicing tape 38 as tape 40. More specifically, Silverbrook teaches, at column 3, lines 30-39:

The laminate 42 is placed on an xy wafer stage (not shown) which is reciprocated, as illustrated by arrow 52 in FIG. 8 of the drawings. Each MEMS chip 20, when it is desired to remove it, is exposed to UV light as indicated by arrows 54 through a mask 56. This cures the adhesive of the tape 40 locally in a region beneath one particular MEMS chip 20 at a time to enable that MEMS chip 20 to be removed from the tape 38. The MEMS chip 20 is removed from the tape 38 by means of a transporting means including a vacuum pickup 58.

As noted above, Silverbrook teaches that dicing tape 38 includes a UV light curable adhesive so as to enable disengagement of the MEMS chip 20 from the dicing tape 38.

Moreover, the Examiner's incorrect reading of column 3, lines 30-39, of Silverbrook is contrary to the knowledge of the skilled artisan. More specifically, one skilled in the art would readily realize that one would **not** cure the "adhesive of tape 40" (as is apparently being alleged by the Examiner as being the correct reading of column 3, lines 30-39, of Silverbrook) so as to remove the MEMS chip 20 from the dicing tape 38. One of ordinary skill in the art would clearly recognize that the **adhesive of the dicing tape 38** must be cured by UV light so as to remove the MEMS chip 20 from the dicing tape 38. In other words, the desired and taught disengagement interface is between the dicing tape 38 and the MEMS chip 20, thereby requiring the curing of the adhesive of the dicing tape 38 - not the curing of the "adhesive of tape 40" as misinterpreted by the Examiner.

Therefore, contrary to the Examiner's conclusion, Silverbrook fails to teach or suggest mounting, upon the dicing tape, a transfer tape is mounted, as set forth in independent claim 26.

With respect to dependent claims 27 and 28, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as these claims depend directly from the allowable independent claim 26 for the reasons set forth above. The Applicants reserve the right to address the patentability of these dependent claims at a later time, should it be necessary.

Accordingly, in view of all the reasons set forth above, the Pre-Appeal Brief Conference Panel is respectfully requested to reconsider and instruct the Examiner to withdraw the present rejection under 35 U.S.C. §102(e).

**B. Rejection under 35 U.S.C. §103**

Claims 29 has been rejected under 35 U.S.C. §103 as being unpatentable over Silverbrook (US-A-6,383,833) in view of Ohkawa et al. (US-A-5,360,873). This rejection under 35 U.S.C. §103 is respectfully traversed.

With respect to dependent claim 29, the Applicants, for the sake of brevity, will not address the reasons supporting patentability for this individual dependent claim, as this claim depends directly from the allowable independent claim 26 for the reasons set forth above. The Applicants reserve the right to address the patentability of this dependent claim at a later time, should it be necessary.

Accordingly, in view of all the reasons set forth above, the Pre-Appeal Brief Conference Panel is respectfully requested to reconsider and instruct the Examiner to withdraw the present rejection under 35 U.S.C. §103.

**CONCLUSION**

Accordingly, in view of all the reasons set forth above, the Pre-Appeal Brief Conference Panel is respectfully requested to reconsider and instruct the Examiner to withdraw the present rejections.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Matthew E. Connors", written over a horizontal line.

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